

## **REMARKS**

### **I. Request for Extension of Time**

It is noted that a three month extension of time is necessary, in order to provide for timeliness of the present response. A request for such extension is made.

### **II. The Claim Objections**

The Examiner objected to claims 1-3 and 5-18 with respect to certain identified informalities.

- (a) In line 3 of claims 2 and 9, the Examiner suggested that the word “one” should be inserted between “least of.” This has been done.
- (b) The Examiner asserted that claims 13 and 19 refer to weights of extruded layers, but that the language is incomplete and failed to use “weight of the” language. This has been corrected.
- (c) The Examiner objected to the abbreviations SIS, HDPE, LDPE, and LLDPE. It is noted that definition for SIS is included in the specification at page 4, line 14-16. The other abbreviations used in the claims, HDPE, LDPE and LLDPE are standard terms in the polymer art, and it is believed that the abbreviations are acceptable. Indeed, such abbreviations have been widely used in polymer claims in the US. However, amendments to the claims have been made, pursuant to this Examiner’s request.

### **III. Additional Claim Amendments**

A minor amendment has been made to change several instances of “extruder” to the intended –extruded--.

It is noted that the claims have also been amended to emphasize that the method is for making a food-contacting plastic wrap suitable for microwave heating. In addition, consistent

with the specification at page 8, lines 8-13, the first polyolefin layer, which forms the release layer, is defined in a manner appropriate for creating a microwave heatable film.

For reasons apparent from the discussion in the next section below, the claims can be considered in appropriate condition for allowance, and a request to this effect is made.

#### **IV. Section 103 Rejections**

It is noted that the rejections to the claims, prior to the above amendments, were under Section 103 and related to rejections based on Arvedson et al (US 5,141,809) in view of McGuire et al (US 6,602,454) and Dohrer (US 5,085,927) and any one of Chum et al (US 5,089,321) or Hodgson et al (US 5,376,439) or DiPoto (US 5,558,930).

The Applicant does not agree with the Examiner's position, and reserves the right to pursue those claims in the future, by appropriate means. However, the amendments render the Examiner's position moot.

The Examiner's basic position regarding previously pending claims 1 and 6-8 was that Arvedson et al teaches the basic claimed process. With respect to the previous Applicant comments that Arvedson does not relate to molding a plastic film construction suitable for use of a food-contacting plastic film, the Examiner observed that Arvedson states, at column 10, lines 10-15, that to the type of articles suitable for bundling packaging and unitizing various food stuffs (canned or fresh). At that location rolls of carpet, liquid containers and various like goods normally containerized and/or palleted for shipping, storage and/or display are also mentioned.

There is no specification recitation in Arvedson, however that the material is suitable for direct food contact, when the food, as contacted is to be ingested. For example, the "fresh food stuffs" reference, could be food stuffs which are themselves packaged (i.e. wrapped) or which are to be further processed after being unbundled. The reference is not clear on that point, and there is no reason to believe that Arvedson et al '809 is intended to be used in a situation in which food to be ingested is contacted by the wrap.

In any event, the claims have been modified to address the microwavable feature of the film, i.e. heating the food in a microwave oven when wrapped in contact with the film. This is of

course not a feature of Arvedson '809 like films, nor is there any reason to believe the Arvedson films should be made appropriate (by modification) to be acceptable for such use. Indeed, it is a characteristic not needed for (or appropriate for) pallet bundling.

The Examiner has also acknowledged that the Arvedson '809 reference does not teach that the intermediate layer comprises HDPE. The Examiner, however, asserts that Arvedson does teach and suggest that the intermediate layer should be chosen to modify the overall property balance of the film. However, the issue at hand is the obviousness of incorporating HDPE for the film at hand. The issue is not modification of a non-Arvedson et al film, for the Arvedson et al. purposes.

The Examiner cites the secondary references for picking and choosing among various ingredients of films, as a way of suggesting the claimed process for molding a film. However, this is a selection of ingredients for various layers of films, done with hindsight of Applicant's work as a template. Faced with the issue of providing food-contacting plastic wraps suitable microwave heating, the collection of references cited by the Examiner do not suggest the direction or solution provided by the Applicant.

The Examiner is invited to contact Applicant's Representatives at the below listed telephone number, if it is believed that prosecution may be assisted thereby.

Respectfully submitted,

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